

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, January 25, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Josh Baumann, followed by the Pledge of Allegiance led by Senate pages Ruth Burkhalter and Hannah Cleveland.

Roll Call: All members present except Sens. Fiegen and Frerichs who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the eighth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named persons:

2 Pages– Ruth Burkhalter, Hannah Cleveland, Mallory Gauer, Hannah Gruenwald,
3 Alexendra Hansen, Layne Hohn, Rylee Homandberg, Kathryn Paulson, Elizabeth Petersen,
4 Molly Walker.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **COMMUNICATIONS AND PETITIONS**

7 January 6, 2015

8 The Honorable Matt Michels
9 President of the Senate
10 State Capitol
11 Pierre, SD 57501

12 Dear President and Members of the Senate:

13 Pursuant to the provisions of 41-2 of the South Dakota Codified Laws and subject to your
14 consent, I have the honor to inform you that I have appointed Russell Olson, Lake County,
15 Wentworth, South Dakota, to the Game, Fish and Parks Commission.

16 This appointment is effective January 11, 2016, and shall continue until January 10, 2020.

17 Sincerely,
18 Dennis Daugaard
19 Governor

20 The President announced the referral of the appointment to the Committee on Agriculture
21 and Natural Resources.

22 **REPORTS OF STANDING COMMITTEES**

23 MR. PRESIDENT:

24 The Committee on State Affairs respectfully reports that it has had under consideration SB
25 27 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration SB
3 6 and returns the same with the recommendation that said bill do pass and be placed on the
4 consent calendar.

5 Respectfully submitted,
6 Gary Cammack, Chair

7 Also MR. PRESIDENT:

8 The Committee on Health and Human Services respectfully reports that it has had under
9 consideration SB 28 and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Health and Human Services respectfully reports that it has had under
12 consideration HB 1026 and 1028 and returns the same with the recommendation that said bills
13 do pass and be placed on the consent calendar.

14 Respectfully submitted,
15 Bruce Rampelberg, Chair

16 **MESSAGES FROM THE HOUSE**

17 MR. PRESIDENT:

18 I have the honor to transmit herewith HB 1034, 1035, 1037, 1049, and 1050 which have
19 passed the House and your favorable consideration is respectfully requested.

20 Respectfully,
21 Arlene Kvislen, Chief Clerk

22 **MOTIONS AND RESOLUTIONS**

23 Sen. Brown moved that SB 50 be referred to the Joint Committee on Appropriations.

24 Which motion prevailed.

1 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 74 Introduced by: Senators Van Gerpen, Heinert, and Sutton and Representatives
3 Peterson (Kent), Schoenfish, and Soli

4 FOR AN ACT ENTITLED, An Act to authorize members of certain governing bodies who
5 are displaced by a natural disaster to continue their term of office.

6 Was read the first time and referred to the Committee on Local Government.

7 SB 75 Introduced by: Senators Tidemann, Cammack, Fiegen, Haverly, Jensen (Phil),
8 Novstrup (David), Omdahl, Otten (Ernie), Peters, Peterson (Jim), Rampelberg, Rusch, Soholt,
9 Tieszen, Van Gerpen, Vehle, and White and Representatives Hunhoff (Jean), Anderson,
10 Bartling, Bordeaux, Cronin, Deutsch, Dryden, Duvall, Gibson, Greenfield (Lana), Hawley,
11 Jensen (Alex), Killer, Munsterman, Peterson (Kent), Rasmussen, Schoenfish, Soli, Solum,
12 Willadsen, and Zikmund

13 FOR AN ACT ENTITLED, An Act to establish a grant program for adult community
14 residential services designed to reduce the risk of recidivism, to provide a report to the
15 Legislature, and to make an appropriation therefor.

16 Was read the first time and referred to the Joint Committee on Appropriations.

17 SB 76 Introduced by: Senators Greenfield (Brock), Curd, Ewing, Novstrup (David), and
18 Peterson (Jim) and Representatives Wiik, Novstrup (Al), Rounds, Willadsen, and Wollmann

19 FOR AN ACT ENTITLED, An Act to revise certain codes and standards regarding wind
20 energy system set back requirements.

21 Was read the first time and referred to the Committee on Commerce and Energy.

22 SB 77 Introduced by: Senators Olson, Bradford, Greenfield (Brock), Jensen (Phil),
23 Omdahl, and Rampelberg and Representatives Qualm, Campbell, Craig, May, Russell, Verchio,
24 and Wiik

25 FOR AN ACT ENTITLED, An Act to repeal the prohibition against carrying a concealed
26 weapon in the state capitol.

27 Was read the first time and referred to the Committee on Judiciary.

1 SB 78 Introduced by: Senators Olson, Brown, Frerichs, Greenfield (Brock), Heineman
2 (Phyllis), Jensen (Phil), Peterson (Jim), Soholt, Solano, and Tieszen and Representatives May,
3 Brunner, Campbell, Craig, Hunt, Klumb, Marty, Qualm, Russell, Sly, and Verchio

4 FOR AN ACT ENTITLED, An Act to deposit money in the permanent school fund based
5 on certain acres of school and public lands open to public hunting.

6 Was read the first time and referred to the Committee on Agriculture and Natural
7 Resources.

8 SB 79 Introduced by: Senators Peters, Bradford, Brown, Cammack, Ewing, Fiegen,
9 Frerichs, Haverly, Heinert, Holien, Novstrup (David), Omdahl, Rusch, Tidemann, and White
10 and Representatives Hunhoff (Jean), Anderson, Cronin, Dryden, Hawks, Hawley, Johns,
11 Partridge, Romkema, Rounds, and Willadsen

12 FOR AN ACT ENTITLED, An Act to expand the list of professionals authorized to
13 perform certain examinations required for a plea of guilty but mentally ill.

14 Was read the first time and referred to the Committee on Judiciary.

15 SB 80 Introduced by: Senators Brown, Cammack, and White and Representatives Harrison,
16 Cronin, Deutsch, Duvall, Feickert, Otten (Herman), Schoenbeck, Solum, Willadsen, and Wink

17 FOR AN ACT ENTITLED, An Act to limit certain liability for hosts of fishing
18 tournaments.

19 Was read the first time and referred to the Committee on Agriculture and Natural
20 Resources.

21 SB 81 Introduced by: Senators Heinert, Bradford, Brown, Frerichs, Hunhoff (Bernie),
22 Peters, Sutton, and Tieszen and Representatives Bordeaux, Haggar (Don), Hawks, Killer,
23 McCleerey, Ring, Schoenfish, Verchio, and Wollmann

24 FOR AN ACT ENTITLED, An Act to create the paraprofessional tuition assistance
25 scholarship program.

26 Was read the first time and referred to the Committee on Education.

27 SB 82 Introduced by: Senators Heinert, Bradford, Brown, Frerichs, Hunhoff (Bernie),
28 Peters, Sutton, and Tieszen and Representatives Bordeaux, Haggar (Don), Hawks, Killer,
29 Schoenfish, Verchio, and Wollmann

30 FOR AN ACT ENTITLED, An Act to establish the Native American achievement schools
31 grant program.

1 Was read the first time and referred to the Committee on Education.

2 SB 83 Introduced by: Senators Monroe, Holien, Jensen (Phil), Olson, and Van Gerpen and
3 Representatives Campbell, DiSanto, Heinemann (Leslie), Latterell, Qualm, Stalzer, and
4 Zikmund

5 FOR AN ACT ENTITLED, An Act to protect the teaching of certain scientific information.

6 Was read the first time and referred to the Committee on Education.

7 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

8 HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning local
9 government elections.

10 Was read the first time and referred to the Committee on Local Government.

11 HB 1035: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions
12 concerning voter registration, vote centers, and conducting elections.

13 Was read the first time and referred to the Committee on Local Government.

14 HB 1037: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
15 petitions for initiated constitutional amendments, initiated measures, and candidates.

16 Was read the first time and referred to the Committee on Local Government.

17 HB 1049: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
18 references to the Internal Revenue Code.

19 Was read the first time and referred to the Committee on Taxation.

20 HB 1050: FOR AN ACT ENTITLED, An Act to repeal certain obsolete mini-storage tax
21 refund provisions.

22 Was read the first time and referred to the Committee on Taxation.

1 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

2 The Senate proceeded to the consideration of the executive reappointment of
3 Sheldon E. Cotton of Brookings County, Volga, South Dakota, to the South Dakota State
4 Railroad Board.

5 The question being "Does the Senate advise and consent to the executive reappointment
6 of Sheldon E. Cotton pursuant to the executive message as found on page 33 of the Senate
7 Journal?"

8 And the roll being called:

9 Yeas 33, Nays 0, Excused 2, Absent 0

10 Yeas:
11 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
12 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
13 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
14 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
15 White

16 Excused:
17 Fiegen; Frerichs

18 So the question having received an affirmative vote of a majority of the members-elect, the
19 President declared the reappointment confirmed.

20 The Senate proceeded to the consideration of the executive reappointment of Gary Doering
21 of Beadle County, Cavour, South Dakota, to the South Dakota State Railroad Board.

22 The question being "Does the Senate advise and consent to the executive reappointment
23 of Gary Doering pursuant to the executive message as found on page 33 of the Senate Journal?"

24 And the roll being called:

25 Yeas 33, Nays 0, Excused 2, Absent 0

26 Yeas:
27 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
28 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
29 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
30 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
31 White

32 Excused:
33 Fiegen; Frerichs

1 So the question having received an affirmative vote of a majority of the members-elect, the
2 President declared the reappointment confirmed.

3 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

4 SB 2: FOR AN ACT ENTITLED, An Act to revise the distribution of the revenue from
5 the alcoholic beverage fund.

6 Was read the second time.

7 The question being "Shall SB 2 pass as amended?"

8 And the roll being called:

9 Yeas 28, Nays 5, Excused 2, Absent 0

10 Yeas:

11 Bradford; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggard (Jenna);
12 Haverly; Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Novstrup (David); Olson; Omdahl;
13 Otten (Ernie); Parsley; Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton;
14 Tieszen; Van Gerpen; Vehle; White

15 Nays:

16 Brown; Heineman (Phyllis); Monroe; Peters; Tidemann

17 Excused:

18 Fiegen; Frerichs

19 So the bill having received an affirmative vote of a two-thirds majority of the
20 members-elect, the President declared the bill passed and the title was agreed to.

21 SB 13: FOR AN ACT ENTITLED, An Act to establish a new retirement benefit structure
22 for certain public employees who are members of the South Dakota Retirement System.

23 Was read the second time.

24 The question being "Shall SB 13 pass?"

25 And the roll being called:

26 Yeas 32, Nays 0, Excused 3, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
3 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim);
5 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
6 White

7 Excused:

8 Fiegen; Frerichs; Peters

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 SB 14: FOR AN ACT ENTITLED, An Act to revise certain administrative provisions and
12 repeal certain obsolete provisions concerning the South Dakota Retirement System.

13 Was read the second time.

14 The question being "Shall SB 14 pass?"

15 And the roll being called:

16 Yeas 32, Nays 0, Excused 3, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
19 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
20 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim);
21 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
22 White

23 Excused:

24 Fiegen; Frerichs; Peters

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

27 SB 15: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
28 membership of the South Dakota Investment Council.

29 Was read the second time.

30 The question being "Shall SB 15 pass?"

31 And the roll being called:

1 Yeas 32, Nays 0, Excused 3, Absent 0

2 Yeas:

3 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
4 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
5 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim);
6 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
7 White

8 Excused:

9 Fiegen; Frerichs; Peters

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 SB 20: FOR AN ACT ENTITLED, An Act to revise certain provisions related to
13 behavioral health.

14 Was read the second time.

15 The question being "Shall SB 20 pass?"

16 And the roll being called:

17 Yeas 32, Nays 0, Excused 3, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Greenfield (Brock); Haggar
20 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
21 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peterson (Jim);
22 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
23 White

24 Excused:

25 Fiegen; Frerichs; Peters

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 Sen. Shorma moved that the Senate do now adjourn, which motion prevailed and at
29 3:27 p.m. the Senate adjourned.

30

Kay Johnson, Secretary